



# THE PEOPLE GET ALL THE NEWS OF THE DAY. EVENING BULLETIN

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HONOLULU, TERRITORY OF HAWAII, MONDAY, AUGUST 20 1900.

PRICE 5 CENTS.

## JUDGE HARDING RENDERS DECISION

He Holds a Court in  
Equity Cannot Re-  
Voke a Will.

### NEW INDICTMENTS IN CIRCUIT COURT

They Hold Water This Time--All  
Pleas Not Guilty--Furious Driv-  
ing Case Reaches Second  
Trial.

Judge Hardy of the Fifth Judicial Circuit, Kauai, has rendered a decision in the case of Peko Akeau vs. Iakona, Kahue and Noa Kuki. It was a bill in equity to set aside a decree of the probate court admitting the alleged will of Kamalenui to probate.

Defendants in their demurrer admitted the allegations of plaintiff. These showed that Kamalenui died intestate without issue possessed of certain lands. His heirs were his widow, his nephew and three grand-nephews. Iakona, one of the grand-nephews, procured the admission of an invalid document to probate as the will of Kamalenui in the probate court of the Fifth Circuit. By the fraudulent will Iakona was given a considerable part of the real estate and as to the remainder no disposition was made.

Judge Hardy's decision sustains the demurrer on the ground that a court of equity has no jurisdiction to revoke a will. He cites the uniform practice of the Hawaiian courts and a great preponderance of American and English authorities in support of this decision. Kinney, Ballou & McClanahan for plaintiff; T. McCants Stewart for defendants.

Ah Chong was arraigned on a new indictment for selling opium. Judge Humphreys overruled a motion to quash, and defendant pleaded not guilty. He is defended by J. T. De Bolt and Robertson & Wilder.

Ishi Kugichi and Ishi Hanzabro pleaded not guilty to assault with deadly weapons. Atkinson & Judd defend them.

Kane, on new indictment for robbery second degree, was allowed till tomorrow to plead. G. D. Gear for defendant.

John Antone, uttering forged instrument, pleaded not guilty to new indictment. Kaulukou and Bittling are his counsel.

Kil, malicious burning, pleaded not guilty after Kaulukou and Bittling failed to have his new indictment quashed.

Frank Barrat was put on trial a second time this term for furious driving, the jury on the first trial having disagreed. De Bolt defends him. The jury consists of H. F. Wichman, H. G. Blart, C. B. Ripley, R. A. Dexter, E. S. Cunha, M. K. Keohokale, W. C. Wilder Jr., Wm. Chung Hoon, W. M. Graham, Frank Vida, F. H. Armstrong and G. W. Hayselden.

## GEORGE MANSON SEEN

It is authentically reported that Honolulu people saw George Manson at the Tivoli, San Francisco, before last arrival of the Australia.

### Big Souvenir Paper.

Franklin H. Austin is getting up material for a big souvenir edition of the Paradise of the Pacific for January 1, 1901. It will contain over a hundred pages and cost about \$5000. For some time Mr. Austin has been doing the country along the Oahu railway, and will go to Kauai next week. He is living at Pearl City because he likes the place.

Secretary Cooper is so well satisfied with the greater popularity of the Sunday band concerts on the Capitol grounds that, instead of continuing them in alternation with concerts at Makee Island, he intends to have them on the Capitol grounds every Sunday afternoon.

The Coyne Furniture Co. is selling furniture on the installment plan and an opportunity is thus offered to comfortably furnish your house on easy terms.

Manila cigars are going at five cents a piece at the Myrtle Cigar Store next the Orpheum. Cold, refreshing drinks dispensed by white labor are a specialty.

A complete new stock of gent's shirts, collars and cuffs at L. B. Kerr's, Queen street.

## JAPANESE HORSE RANCH.

Walluku, Aug. 18.—The Japanese are noted for keeping horses, and if a Jap has a liking for a horse no matter what the cost, he is bound to get it. There are about half a dozen Japanese on Vineyard street in Walluku in a house the yard of which is hardly forty feet square; yet in this small enclosure there are kept four horses, and one can imagine how filthy this place is, and that such a place could be allowed to exist within 500 yards from the court house is beyond the comprehension of ordinary mortals.

### Complaint From Cook Street.

Residents of the vicinity of Cook street below Queen are making complaints about that portion of the thoroughfare. They state that stagnant water has been allowed to stand there for three months or more and that this in connection with the fact that rubbish of all kinds, with tin cans, bottles and the like has been dumped there, makes the place a pest breeding hole.

### Services for Walluku.

Walluku, Aug. 18.—Rev. Wm. Ault writes from Kohala, Hawaii, this morning per Kinu, that he will hold services in the Anglican church here next Sunday, August 26; Holy Communion at 7 a. m. and matins at 11 a. m.

### In Ashanti War.

Dr. Ed. Armitage of Walluku has received information from his brother, who is an officer on the Governor's staff at Ashanti, of his safe arrival at the Gold Coast.

## THE BREWERY WORKS

### COLD STORAGE PLANT NEARLY COMPLETE

Group of Large and Substantial Build-  
ings--Experts in Charge of  
the Installation of Manu-  
facturing Plants.

Operations in building and equipping of the Honolulu Brewery Co.'s works in Queen street are steadily advancing. The whole forms one of the heaviest undertakings started here for years. Several massive brick buildings with iron pillars and joists and cement flooring are approaching their final shape.

The ice-making and cold storage building is up three stories and a fourth will be added to part of it. Furnaces and boilers have been installed in this department, also the greater part of the ice-making apparatus. A lot of the plant for both branches of manufacture lies boxed up on the ground.

M. W. Smith, an expert from the East, is in charge of the machinery installation. He was connected with the great works on the World's Fair grounds in Chicago, which were burned down with great loss of life, and has installed ice and storage plants in many places.

C. H. Johnson is an expert for the Stirling Boiler Co. Both he and Mr. Smith are attending to other heavy contracts in Honolulu, including the Kalihl pumping station and the addition to the electrical and cold storage works of the Hawaiian Electric Co.

### Harper Interests Sold.

New York, Aug. 9.—Harper Brothers' building at Pearl and Cliff streets, together with all the printing presses and other apparatus, and with all rights to publish the Harper periodicals, were sold at the New York Stock Exchange today for \$1,100,000 to Alexander E. Orr, chairman of the reorganization committee for the publishing house. The property and business were sold by Bryan L. Kennelly on a foreclosure sale on a mortgage held by the Morton Trust Company. The right to use the name of Harper & Brothers is included in the sale.

### Deputy Marshal Candidates.

Walluku, Aug. 18.—It is rumored that ex-deputy sheriffs Wm. G. Scott and Wm. H. King of Walluku and Makawao districts, respectively, are candidates for the office of Deputy Marshal for the Second Judicial Circuit, comprising the islands of Maui, Molokai, Lanai and Kahoolawe. Both are good men with brilliant past records, and there is very little to choose between the two.

Great sale of boots and shoes at 5 cents on the dollar at L. B. Kerr & Co.'s shoe house, corner of Fort and Hotel streets.

THE WATERMAN IDEAL FOUNTAIN PEN. All sizes, all shapes. H. F. WICHMAN.

## DISTRICT JUDGE IN GILL LIBEL SUIT

Decides He Has No Juris-  
diction and Discharg-  
es Defendant.

### HANKEY CITES MANY A GOOD AUTHORITY

Kinney Is Very Shaky on Original  
Jurisdiction But Believes Commit-  
ment Power Is Not One  
Whit Shaken.

Edwin S. Gill, editor of the Republican, appeared in the District Court this forenoon on the general charge of libel. Deputy Sheriff Chillingworth announced that Kinney, Ballou & McClanahan would conduct the prosecution. Representing this firm were Messrs. Kinney, McClanahan and Bigelow, while Messrs. Magoon and Hankey appeared for the defendant.

Attorney McClanahan presented an amendment to the general charge of libel which was objected to by Attorney Hankey on the ground that it was a new complaint and that the same had not been sworn to as prescribed by law.

Judge Wilcox overruled the motion of the defense to disallow the amendment, and a copy of the same having been filed with the clerk, the case continued. Attorney Hankey entered a plea for want of jurisdiction on the following three grounds:

First—The complaint herein charges an infamous crime for which defendant can be arraigned or tried only upon presentment or indictment by a grand jury.

Second—That the punishment and penalty which may be visited upon conviction are, and each of them is, infamous.

Third—That the offense charged is such that the defendant is entitled to a jury trial, as guaranteed by the Constitution of the United States, in the first instance, without resort to an appeal, and that this Court is not empowered by law to grant defendant that right.

Whereupon defendant alleges that this Court has no jurisdiction of said complaint or cause and prays that the same be dismissed and the defendant discharged.

Next followed a lengthy argument by Attorney Hankey, during which authorities galore were cited. The contention was that the District Magistrate had absolutely no jurisdiction on the ground that the punishment and penalty which might be visited upon conviction were infamous and as such, the indictment of a grand jury was necessary.

After the argument of the defense had been completed, Attorney Kinney admitted for the prosecution that he did not believe the District Magistrate had original jurisdiction but that the commitment powers remained unshaken. The grounds of jurisdiction were argued back and forth until close upon the noon hour.

Judge Wilcox sustained the plea of the defense and discharged the defendant, stating that he was convinced he had no jurisdiction in the matter. Just here he cited the case of Barney, charged with the murder of Lorber, a week ago Sunday. The man was charged with murder in the first degree and his name was on the calendar.

Before coming to trial for commitment, the Attorney General appeared before the District Magistrate and stated that it was not necessary for Barney to be committed by him since he would have to go before the grand jury. Barney was taken out of the hands of the District Court and appeared later before the body mentioned.

The decision of Judge Wilcox was based mainly on the second ground of the plea for jurisdiction relating to an infamous crime.

There is no doubt whatever that Kinney, Ballou & McClanahan will carry the case to the grand jury, after having gone through the requisite preliminaries.

### Chinese Cruelty to Animals

Walluku, Aug. 18.—A Chinaman was arrested in Walluku the early part of this week on the charge of cruelty to animals. The Chinaman rode a horse with a very bad sore back all the way from Keokea, in the Kula district, about twenty miles or more from Walluku, and was about to return to his home in Keokea when he was intercepted by the police and made to pay a fine of \$25. There is another Chinaman in Walluku who ought to be arrested by the humane officer for ex-

treme cruelty in that he tries to starve his horse to death. The horse is in a very weak condition now but still the owner ties him up in his yard where the horse hardly gets a mouthful of grass during the day. Mr. Kerr, the horseman, says that any one who starves a horse ought to be killed.

### INSPECT MAUI POSTOFFICES.

Walluku, Aug. 18.—H. B. Hall, one of the U. S. Postoffice Inspectors, has been in Walluku this week overhauling the books of the postmaster and also giving much needed instructions to the employees. Mr. Hall also inspected the Makawao, Kahului and Kihei post offices, and he expressed his satisfaction at the manner the officials on Maui conduct the business of the postal department.

### Deputy Sheriff Kalamia.

Walluku, Aug. 18.—Sam Kalamia, formerly captain of police for the Makawao district, has been appointed deputy sheriff of the district, in place of W. H. King, resigned. Sam Kalamia's commission came up this week. This appointment of Sheriff Baldwin has also met with the approval of the citizens of that district, for Mr. Kalamia is a young Hawaiian capable of performing the duties of his new office.

### Up On Tantalus.

A large number of Honolulu people, driven to the higher levels to escape the heat of yesterday, naturally flocked to Tantalus where the day was spent in various places. Two buses, as many wagonettes, buggies and other conveyances were noticed along the road. It is needless to say, everyone forgot there was such a thing as heat.

## STABBED HER TO DEATH

### OLAA JAPANESE KILLS HIS WIFE FOR TRIFLE

She Refused to Accompany Him to  
New Home--Apparently Indiffer-  
ent to Enormity of  
His Crime.

Hilo, Aug. 16.—A Japanese laborer is in jail charged with murdering his wife. The man was planting can in contract with the Olua Sugar Co., and his wife was engaged in doing odd jobs in the neighborhood.

For some time past he has been desirous of going to Maui to live but his wife objected. This aroused his suspicions and he pressed her to go with him, but she steadfastly refused. Last Thursday night he made a final appeal and she refused again, so he drew a knife and stabbed her several times in the throat. After he had hacked away at her for a time and she showed signs of life, he left her and proceeded to the store of Frank Sakamaki at nine miles and told his story to the proprietor, who advised him to surrender himself to the police. He agreed to do this and Sakamaki telephoned to the sheriff's office and also to Captain Hitchcock at Olua.

When the officers arrived he admitted the stabbing and said he thought the woman was dead. Captain Hitchcock then went to the place where the woman was, taking with him the Japanese physician. She was found lying in front of the house in a pool of blood and in a semi-conscious condition. She was removed to her house and the wounds dressed. Captain Hitchcock then brought the prisoner to Hilo and at daylight the woman was brought to Hilo in a litter and taken to the hospital, at which place she died Saturday night. At the preliminary hearing on Monday the husband waived examination.

Deputy Sheriff Lyman said he learned in Olua that the man was devoted to the woman, bestowing much time and attention upon her when she was ill.—Herald.

### Presented With a Desk.

Deputy United States Marshal E. R. Hendry was presented with a handsome roller top desk Saturday by H. Haeckfeld & Co., Ltd., in recognition of past favors and uniformly courteous treatment in connection with matters of business which came up during the plague epidemic. Mr. Hendry is very proud of the present.

### Head Luna at Walluku.

Walluku, Aug. 18.—W. A. Smith, formerly head luna of Walluku plantation, is now head overseer of the Kaunapali section of the Pioneer Sugar Mill Co., in place of H. Birkmeyer, who has been granted a leave of absence.

### LINEN CENTERPIECES.

Iwakami, Hotel street, is offering a new line of linen centerpieces for tables, embroidered in fancy colors.

## LAND LAW RULING FROM WASHINGTON

The Five-Year Limit to  
Agricultural Leases  
Has Limitations.

### LAHAINA PEOPLE'S WISHES RESPECTED

Protest Against Second Saloon There  
Heeded--Mr. Irwin's Report on  
Hawaiian Exhibit at Paris  
Exposition.

There was a full attendance at the Governor's council this morning.

Governor Dole read a letter from Commissioner W. G. Irwin at the Paris Exposition, giving a satisfactory account of the Hawaiian exhibit.

Another letter he read from Mr. Ryan, assistant secretary of the Department of the Interior, Washington, replying to an inquiry regarding home-leased lands and right of purchase leases. The reply holds the opinion that, although leases of agricultural lands are limited by the Territorial Act to five years, the limitation would not apply to the leases in question, as they are not real leases but virtually fee simple titles payable in instalments.

F. L. Leslie's quieting title matter came up again with a letter from J. M. Monsarrat, attorney, but action was deferred.

Mr. Hewitt was recommended for a light wine and beer license at Waima, Kauai.

H. J. Harrison's application for a license for an additional saloon at Lahaina was rejected on account of a remonstrance from people of the district which it was voted to respect.

The Attorney General was directed to give an opinion as to whether the Legislature should have to establish the new taxation rating before the first of January, or if the Legislature would have power afterward to modify the rating required to be made at that date.

Mr. McCandless submitted a request from Victor Hoffman, contractor for the brewery construction, for permission to lead water from the condenser, through a terra cotta drain pipe, to the Kewalo ditch. It was granted, the idea being that it would be a good thing for the ditch.

### Some Recent Deaths.

Dr. W. Hoffmann held a post mortem on the body of Kanewahine, a native married woman aged 50 years, in School street. He found the cause of death typhoid fever.

Dr. C. L. Garvin held a post mortem on the body of Kalua Walehika, a girl of two years who died at Kalihl, and certified the cause as pneumonia and peritonitis.

Pepeli, a single Hawaiian woman aged 78, is certified as dying of old age. Dr. W. S. Noblitt was attending physician, and Dr. Garvin the certifying one after death.

### Fight With a Japanese.

Shimoda, one of the hangers on at the Twiell corral, was fined \$25 and costs in the Police Court this forenoon on the charge of assault on Police Officer Spencer. It appears that Shimoda went about telling the people of the place that he was a police officer. When Spencer arrived on the scene, the Japanese tried to eject him. After a rough and tumble fight, Spencer downed his man and then took him to the police station.

### Lunalilo Home Blaze.

The fire whistles this morning announced a fire at Lunalilo Home. A general alarm was turned in but only the engine from the Plains fire station went to the scene. The roof that covers the tank house caught fire through some unknown way and was badly burned, the damage amounting to about \$25. The blaze was put out with but little trouble.

### Progressive Advertising.

C. L. Clement's advertising magazine "The Naked Truth," comes to the business community as a double number this month. As the pioneer advertising agent of Hawaii, Editor Clement shows that he is not behind in the progressive pace set by contemporaries of the Mainland. His magazine is replete with valuable suggestions to all branches of trade.

### Liliuokalani's Birthday.

Captain Berger is instructed to give a serenade concert by the Government band at Washington Place on September 2, in honor of former Queen Liliuokalani's birthday.

Stages of the Advance.	
Distances.	Miles.
Taku to Tien-tsin	27
Tien-tsin to Peking	79
Tien-tsin to Yang-tsun	
bridge	17
Tangku to Chung Liang	
Cheng	13 1/2
Pel Ho river to bar at mouth	6

## Labor Men to Meet With Governor Dole

Messrs. E. H. May, J. J. Ryan and John Lund, a sub-committee of the general committee chosen a few days since by the labor men to make arrangements for the celebration of Labor Day, called on Governor Dole this forenoon.

After a short conference it was agreed that the general committee meet the Governor at the Capitol at 12 noon, Tuesday, August 21, to discuss such matters as the participation of the National Guard, band and fire department in the Labor Day parade.

The following, constituting the general committee, will meet at the band stand on the Capitol grounds a few minutes before the appointed hour in order to be able to appear before the Governor in a body: E. H. May, machinists; J. H. Connors, plumbers; J. J. Ryan, boiler makers; J. Kosick, bricklayers; H. C. Reed, pattern makers; J. P. Rasmussen, sailors; J. Santos, barbers; D. Curran, marine engineers; Geo. Crozier, blacksmiths; P. Holmes, harness makers; John Lund, painters; P. H. Hite, sailmakers; W. A. Roberts, O. R. & L. Co.; L. H. Wolf, electricians; James Kinsale, pressmen; James O'Reilly, plasterers, and W. M. Villinsworth, carpenters. E. H. May is the chairman and Geo. R. Stoll the secretary.

### Maui Republicans Confer.

Walluku, Aug. 18.—The Central committee of the Maui Republican Club consisting of Senators H. P. Baldwin and A. N. Kepoikai, Mr. Searles and others, is holding an executive meeting at Kahului this afternoon for the purpose of discussing important matters. D. H. Kahualelo, one of the members of the committee, is at present on Molokai.

### Yachts Out Yesterday.

The yachts Bonnie Dundee, Myrtle and Abbie M. were out yesterday with a lot of sportsmen. There has been so much talk of late about the superior sailing qualities of the Myrtle that people along the water front were surprised to see the Bonnie pass her without any trouble whatever. The Abbie M. went out to Koko Head.

### Birthday Luau.

Walluku, Aug. 18.—Mr. and Mrs. Robert Nawahine of Waihee, Maui, will give a big birthday luau at their home at Waihee this afternoon in honor of the birthday anniversary of their infant child. A large number of their friends have promised to gather around the festive board to honor the occasion.

### To Meet Rev. Takahashi.

A special meeting of the Japanese Methodist church will be held in the usual place at 8 o'clock this evening to meet the Rev. T. Takahashi, who leaves for San Francisco soon to represent the church at the regular annual meeting of the American Board of Foreign Missions at that place.

Manila cigars 5 cents each!! High Life 3, Insular Londres 4 for 25 c. Myrtle Cigar Stand, next the Orpheum.

## Ladies' Lace



### CLOTH and KID TOPS BLACK and TANS

These are handsome goods at more than satisfactory prices. The wearing qualities—EXCELLENT!

Try a pair and see if we are not truthful in our statement.

MANUFACTURERS  
SHOE COMPANY